The Bohemian Girl (translated into Italian) was not performed at the Academy, according to announce-ment; but owing to the indesposition of Mr. Briggoli, was postpened natal Monday evening next. In place of the advertised piece, Din Giovanni was pre-seated, the cast being the same as before, except that Mile. Poinsot did Donns Auna. Of this lady's qualities, as a singer, we shall better be enabled to judge when we hear her in more modern and better rocal music, where the voice is not the accompanient, but the superior of the orchestra. The great singers detest the part, not that the music is not, symphonic-wise, good and full of ingenuites, but it is deficient in sustained and predominant vocal cautabile, wanting, too, in intersified accent, and only hinting at that climax which the largest experience of modern composers has achieved. The plot of Don Govanni being a mean and dirty one—what can be worse than adirty nobleman and dirtier pimp, lying to, seducing and breaking the hearts of as many confiding girls as possible ?-and there being no skill even in the congruction of the details of the dessoluteness of the piece, Donna Anna excites no sympathy in dramatic construction write long, forvid, blandering cesays on the plot of this piece. The quantity of rub-bish in this regard is beyond belief, and only proves shat a dearth of critical acumen there is even with the lights which Shakespeare, Scott and Scribe have shed on the subject. So, too, equal error is expended by the library-full on the superior vocal treatment of pieces in this opers, which the public never like and ever applaud, and rever will applaud. Do the gendemen who write such criticisms by the league, suppose that modern composers have not analyzed the rays and means of opera writing of the last century? Do they suppose that the composer who is always adeavering to advance, does not see wherein even Mozart failed to make an eff-ct-and hence avoid the same path-for what has the composer to deal but effect? And so, too, all the modem-antique effusions about Hantel's solor, with their inevitable da cajo, and their long-drawn, simpassioned, old-Italian, measured roulade passages leading to nothing-co they suppose that modern con posers could not imitate such stuff if they wanted to, and if they did not choose to write in preference accerding to the rules of high art really understoodwhich requires distinct melody—mea-ured according to reseification, with irrefragable laws of progress, and climax veritably formed by the ascending economie and resonance of the scale? The great majority of criticisms on music are, compared to material science, what arguments would be, written upon old turapites and sickles, in preference to new railways and reapingmachines. Of the performance of Don Giovanni we need not

my anything very particular, as it is an old subject. Mile. Piccolomini is an excell-nt acting Zerlina-the best probably on the stage. Her voice, however, is of too small a caliber to entitle her to rank as an artist in the true sense, and her vocal execution is extremely limited. Signor Florenza is not a satisfactory Don Giovanni. The singing of the part being next to nothing, the acting should be super-excellent, and it is not, by any means. Herr Formes has a magnificent voice and is a superior actor, and always interests his sudicace, for a man with these qualities has the musical game in his hands. Of the other artists we need not add to our previous remarks. The piece was deficiently put on the stage as regards

chorus; but, as it really requires no choras worth speaking of, we think the manager right in not running to needless expense. But, as hitherto the chorus has been advertised as colossally strong, as though this was really "the greatest" of choral operas, when t has no claims whatever in that particular, but is eminently deficient, without a single dramatic ch rus, and with but one of an incidental ejaculatory character -we mention this fact. Our business is to keep the musical public advised of the whole truth.

The Academy was not half full, but it must be remarked that, in addition to the change of the piece at the last moment, the walking was bid. The opera of the Behemian Girl, on Monday, will probably draw a full house. Mr. Balfe has an easy and graceful flow of melody-not precisely dramatic-and with a patchy vulgarity often, which is inevitable in the attempt to set such metres as these which are written for English music. The art of writing the words for an opera is, in our opinion, about the most difficult of verbal ingenuities in the Ergiish language, and one of which "the peets," including "the Poet Bunn," as the ma-Belous Mr. Punch calls him, know nothing. The Italian translation of this work must, of course, observe the English metres, if the musical text be muti-

-This afternoon, at 1 o'cleck, Don Giovanni will be

BOOKS RECEIVED.

The Land and the Book; Or. Biblical Illustrations drawn from the Holy Land. By W. M. Thomson, B. D. 2 vols. 12mo. Harper & Brother.

L. Cabines des Fees; Or. Recreative Readings, for Students in French. By Georges Gerard, A. M. 12mo. pp. 331. D. 4 ppleton & Co.

Willie Winkie's cursery Sorgs of Scotland. Edited by Mrs. Silebre. 12mo. pp. 94. Tinknor & Fields

Sophi de Breuts; Or. The Sword of Truth. 18mo. pp. 190. Heary doyt.

The Young Hop-Fickers. By the Inte Sarah Maria Fry. 12mo. pp. 98. The Same.

Waveth-y Novels. (Anne of Gelerstein.) 12mo. 2 vols. Ticknor & Fields

Leature-and Andresses on Literary and Social Topics. By the

nor & Fields. ires and Andresses on Literary and Social Topics. By the late Rev. Frederick W. Robertson. 12mo. pp. 318. The Same.

Some.

t Whispers By William Atson. 12ms. pp. 363. H.
Cowperthwaite & Co.

CITY ITEMS.

PHILHARMONIC SOCIETY.-The second Concert of the seventeenth season will be given to-night at Niblo's Garden. A symphony in A by Beethoven with overtures by Schubert and Weber are the orchestral pieces. Madame Graever-Johnson, the accomplished planist, and Mr. Wollenhaupt (violin), together with he Arion and Teutonic choral societies will assist on the occasion. Concuctor, Carl Bergmann. The final rehearsal takes place at 10 o'clock this morning.

ADVERTISED LETTERS .- Under the Post-Office Isw requiring the list of unclaimed letters to be advertised in the newspaper having the largest city circulation, Mr. Fowler has taken the work from The Herald and given it to The Sun; a fact which would seem to prove the steady decline of the paper first named.

William E. Warren, some time since principal Anditor of the New-York and Erie Radroad Company, has been appointed Deputy Controller of the city by Mr. Those who know him best say that Mr. Warren is the very wan for the place, and feel sure that he will soon bring order out of the chaos of the Finance Department.

A panorams of travels in the Rocky Mountains, Utah, California, Mex co and Central America is on exhibition at Sunyverant Icatitute, No. 659 Broadway, every evening and Wednesday and Saturday afterboons. This painting represents portions of the route of the contemplated Pacific Railroad, the army of the United States from Kausas to Great Salt Lake City, and the new overland mail to San Francisco. The noteworthy features of the pairting are faithfully explained by Mr. McWalters, who has been engaged

especially for the purpose.

bers of the Standing Committee, J. B. Coppinger and

A CORSET-BUSTLE-SKIRT-SUPPORTER.-We have been shown by Mesers. Douglas & Sherwood of this city a mysteriously combined corset and bustle, and skirt supporter, all in one piece, the invention of an ingenious Frenchman in this country, for which a patent was granted to them last week. It is a corset with a basque prolongation, which is flaring and stiff, with whal-bone for a bustle. They claim that this arrangement is bandier to manage, more comfortable to west, and that it looks better outside than any other; that it makes the bustle become a portion of the figure, and gives the possibility of a display of elegance of figure, if the wearer has any. This last is a very important point. The unseemly wriggle with which the stuffed monstrusities in vogue follow the ladies with whom they are supposed to be attached, is comparable to few this gs in heaven or earth. Detschable shoulder-straps complete the garment.

TEA PARTY .- Extensive preparation is being made for the second annual festival, or tea party, of the Yourg Men's Christian Association. Speeches may be expected from a number of distinguished gent'emen, including ex-Governor King, Hiram Ketcham, esq., the Rev. H M. Sendder, the Rev. Dr. Krebs, the Rev. Dr. Gillette, and George H. Stuart, esq., of Pails-

CUSTOM HOUSE - NAVAL OFFICE. - The following appointments were made on the 1st of January, by Mr.

sppointments were made on the lat of watch, by the Birdsall, Naval Officer:
Thomas P. St. John, Abstract Clerk, adary \$1,659, vice Barton Brochesd. Joseph F. Pierre, Bunded Goods Clerk, aslary \$160, vice Alfred D. Withers. James Keese, Warehouse Clerk aslavy \$100, vice Boom, M. Hatch. Wm. J. Nagle, Liquidating Clerk, aslavy \$1,000, vice Joseph M. Bokec. James H. Clark, Warehouse Clerk, salary \$1,000, vice Thomas J. Snyder.

PAT MATHEWS IN TROUBLE .- A few nights ago a most inhuman outrage was perpetrated at the drinking saloon of Johnny Lyng, No. 40 Bowery, Pat Mathews, the notorious shoulder-hitter and political rowdy, being the principal actor. It appears that John Tooley and one Ogian, who were beretofore on excellent terms, met at the saloor, when a dispute arose bet seen them. During the late political campaign, both were zealous "Kely men," and Quinn, as he alleges, had been promised a berth in the Sheriff's Office in the event of Mr. Kelly being elected. Quinn had promised to take care of his friend Tooley. The result of the election is, of course, well known, but Quinn failed to receive as appointment as "Deputy Steriff," and was unable to tell why "Mr. Kelly had gone back onter 'im." Tooley also felt disappointed, and, upon the parties meeting at Lyng's, a dispute arose. Both, it is said, were much intoxicated that they could not injure each other-consequently they were not interfered with At this time Pat Mathe va entered, and, as is alleged, seized Tooley and threw him backward upon the floor, beating and kicking him in a most bratal manner. It further charged that Pat thrust the point of his umbrella with great violence into Tooley's right eye, complete y destroying the sight and maining him for life. It is then alleged that Pat turned upon and beat Oning in the same mapner, leaving bim almost helplers. Quina is now lying in a most frightful condition, being unable to see or move a limb. Tooley was conveyed to the Hospital, and it is likely that he will lose is sight entirely. Mathews then walked out of the house unmolested, and as yet no complaint has been made against him.

REAL ESTATE. - The following sales were made yes terday, at the Merchants' Exchange, by Messrs. A.

terday, at the Merchants' Exchange, by Messrs. A.
J. Bleecker, Son & Co.;
I house and let, No. 18 Courtlandt street.
I house and let, No. 21 Dey street.

RUN OVER AND KILLED.—Coroner Gareble held an inquest on Friday, at No. 159 East Fortieth street, upon the body of Bartlolomew Dogan, a native of Ireland, 25 years of age, who was run over on New Year's day, by sage No. 132 of the Broadway and Eourth avenue line, and died on Thursday night from the effects of the injuries received. The driver of the state, it appears, had offended the deceased by nearly driving over him, and to retailate, the latter served the barses by their beads to stop them; but fell and was tramped upon and run over. The Jury rendered a verdict of accidental death.

CLOTHING AT EYANS'.

BLACK CLOTH OVERCOATS #4, #6, #3, #10, #12, #15, #20.

PILOT OVERCOATS #6, #7, #11, #15.

BLAVEE OVERCOATS #10, #15, #20, #23.

BROAN CLOTH FROECOATS 5, 6, #2, 19, 12, 15, 18, #20.

CASSIMERE PANTS, #1 50, #2, #2, #2, #3, #1 50, #4.

At EYANS', No. 65 and 68 Foltones.

A. W. FABER'S LEAD PENCILS, sold at retail by all stationers. At wholesale only by E. Farer, sole Agent, No. 138 William-st.

[Advertisement.]

GREAT REDUCTION.

We are closing out all our favorite styles of WINTER CLOTHING for men and boys, and our large and elegant stock of Robes, Shirts, Gloves, Shawls, &c., at a reduction of from fair-D. DEVLIN & Co., Nos. 258, 259 and 269 Broadway.

LEAKY ROOFS REPAIRED in the most effectual manner, and at the shortest notice, with Joseph Ditts & Co. CEMENT ROOFING. Office No. 378 Broadway.

TEAS.—THE CANTON TEA COMPANY have on HEAN.—THE CANTON TEA COMPANY have on hand every variety of Tras, for Grocers and Tea-Desiers and private families Scachons, Ocolons, and Young Hysos from 25a, to 40a; Gunpowder and Imperial from 25a, to 60a. All other qualities equally low. Also, 3-lb boxes good Family Tra for \$\displaystyle{\psi}\$. Call and examine at No. 125 Chatham st., between Pearl and Rocervelt sts.

d Rocsevelt sts.

[Advertisement]

THE VERY LAST.—This is the very last opportunity to witness the Zavistowest Thours and the Wars
CHILDREN at BARNUM'S MUSEUM. This AFTERNOON and
Evening they bid farewell in some of their choicest perform
ances.

"HE DIED OF QUACKS,"

Might mark many a grave, but how many victims of the Con-sumption might have been saved by an early reliance upon Mr. M. N. Garinner's troinn Balsam or Liverwort, and by a the Druggists in the world.

EDWARD H. DIXON, M. D., Editor of the Scalpel and Operating and Consulting Surgeon, No. 42 5-heav Consultations on the more obscure discases daily, between 1 and 2, and 7 and 9 evenings.

BROOKLYN ITEMS.

THE FOG .- A dense fog overhung the city during the whole of yesterday, and at times it was so heavy that a person could hardly be recognized across the The ferry bosts experienced some difficulty in navigating the river, although not so much so as might have been the case, as the heavy vapor did not rise above the marts of the vessels, which were plainly visible to the pilots, and, in a measure, served as guides. The fog bells on either side were kept tolling almost continually, to assist the pilots in finding the slips. The bosts of the Bridge street ferry were witndrawn turing the day, but the other ferries ran regularly, but the trips were longer than usual.

On the Williamsburgh ferries, the dense fog seriously retarded the progress of the boats on the Division avenue and Houston-street Ferries, and after 5; o'clock yesterday morning no boats were run to Peck slip, and the South Tenth street and James-slip boats did not attempt to run at all. On the occasion of the last fog, two of the Peck slip boats were seriously damaged. Yesterday it was not deemed advisable by the efficers of the Company to run their boats to Peck slip, and they accordingly run them across to Grand street only. Fog bells were rung constantly during the day and night, and it was only by sound that the pilots were enabled to steer at all. Most of the citizens of Williamsburgh who had business in New-York, either crossed the Grand-street Ferry or took the cars to the Fulton Ferry and crossed there. In consequence of this, the cars were inconveniently crowded

Astronony.—Prof. O. M. Mitchell of the Cincinnati Observatory has consented, upon the invitation o
a number of prominent citizens, to give a series of
lectures on Astronomy at the Academy of Music, com
menting on Friday evening next.

Militari.—The annual meeting of the City Gaard
was held on the 4th learnet, at their Armory, and after
the regular routine of business, an election was held
for the civic officers of the company, for the year 1859.
The company's choice devoived upon David Banks,
h, as President; A. L. Curtis, Vice-President; C. S.
Fedworth, Secretary; E. L. Stone, Tressurer, Mem-

the other slip and those in waiting desired to take passage in her across to Grand street, which was the slip to which the Peck-slip bosts were running. A gate which separated the two bridges was quickly demolished, and the immense crowd took possession of the boat and crossed to Grand street. Officers were promptly on the spot, but no distorbance taking place no arrests were made. The Peck-slip boats then suspended their trips.

THE NATIONAL GUARD.-This Company, which, under the captainty of Mr. Horace F. Sprague, was considered one of the best-drilled in the State, is about being reorganized. Some time since, an effort was made to organize a battation of National Guard, and Mr. Sprague was elected Major. The project failed, and now the old company have rechosen their old commander, and will soon appear with full ranks as formerly. A formal election for officers has not yet been held, but will be as soon as necessary preliminary arrangements can be perfected.

PLYHOUTH CHURCH.-An election for Trustees of Plymouth Church, to fill vacancies, held on Thursday evening, resulted in the choice of the following gentle men: E. T. H. Gibson, Henry Colline, Renben W. Ropes and Henry C. Cowan. The subject of the new church was discussed, and the indications are that the building will soon be commenced.

FREE OF DEST .- The First Beptist Church, in Nassau street, has just paid off a mortgage of \$12,000 and \$3,000 floating debt, which leaves the edifice free from all pecuniary encumbrances.

Completion of the New City Armory.-This edifice, situated on the corner of Heary and Cranberry streets, is finished, and nothing more than a little paint ing is to be done when it will be ready for transfer to the proper authorities. The last payment on the mason work was paid yesterday by the Commissioners of Repairs and Supplies, and \$1,000 is still due on the esrpenters' work, which will be paid as soon as t'e sting is done. Mr. Joan Colter was the contractor for the mason work at \$8,507, and Mr. D. D. Vorrbics for the expenters' work at \$5,275, making a total of \$13.872. The building will be fluished within the appropriation-something unusual with public works.

THE FEMALE EMPLOYMENT SOCIETY .- The promenade concert at the Atheraum, on Thursday night, realised between \$600 and \$700, which sum will be appropriated to the Female Employment Society of this

THE NAME TERM OF THE CIRCUIT COURT .- The Kings County Circuit Court will be opened for the Term on Monday next at 10 o'clock a, m. Judge Ingraham will preside. The day Calendar will consist of the first fifteen causes, and will be called each day at the opening of the Court. When a case is called and no one answers, it will be stricken from the Calendar for the Term; but if one of the parties answers and the other does not, such cause will be at once disposed of.

Fires in 1858.-The total number of fires in 1858 in this city was 94, beside 20 alarms. During December there were 11 fires and 3 slarms, causing an aggregate damage of about \$25,000.

THE CENTRAL DISPENSABLE. - An election for Tens. tees of this institution, which is located in Flatbush avenue, was recently held, at which the following gentlemen were relected: John Haslett, John W. Hunter, Wm. B. L. wis, R. J. Davies, James Van Dyke, T. L. Mason, Wm. H Peck, L. C. Andrus, John S Mackay, A. B. Baylis, Wm. Browne, D. Brainard, William A Walker, Edward Harvey, Wm. L. Degraw, W. B. Walters, Edwin B. Spooner.

ARREST OF A YOUNG BURGLAR .- Serg't McClane, ARREST OF A TOUNG BURGLAR, "Serg I MICHARD, of he Eighth Precise I, arrested a youth named Thomas Quirk, in Baxter street, New York, on Thursday, on the charge of forcibly extering the houses of Mr. Bachelor and Mr. Edward Curpenter, in Twenty-first street, Govanus, on the night of the 80th November last. The accured, with another box, named James Gallagher, who has since been sent to State Prison, for burglary, were frightened from Mr. Batchelor's house by the firms of pistol. Quirk informed the Sergeant where some of the goods stolen were secreted. He is held until further inquiry can be made.

HALL THIEVES .- A boy named Philip Fagan was arrosted yeaterday for stealing from houses where be had applied for cold victuals. He is one of a gang who commit thefts while applying for charity. He was committed for a hearing.

LARCENY .- Sergent Jacobs of the Fifth Precinct, on Thursday evening, arrested a woman barned Catharine Miller, who I ad made two successful attempts to steal goods from stores in Grand street. She was held for examination.

EASTERN DISTRICT FOUNTAIN—A potition has been numerously signed for the erection of a public forntsin on the triangular piece of ground formed by the intrasction of South Sixth. South Seventh and Fourth streets, Eastern District, now occupied by some one at ry frame buildings. The petition will soon be presented to the Common Council for their action.

LAW INTELLIGENCE

SUPERIOR COURT-TRIAL TREM-Jan. 7 .- Before Judge THE STREET COMMISSIONER RIOTS-VER-DICT AGAINST FERNANDO WOOD.

Lemnel Slater agt. Fernando Wood.

This morning the Court room was crowded with

spectators anxious to learn the result of the deliberations of the jusy in this case. Shortly after 101 o'clock the jury came into Court, and rendered a verdict for the plaint if, assessing his damages at \$250. The jury were out twenty-one hours. It is understood that on the first ballot ten of the jurors were in favor of giving the plaintiff from \$3,000 to \$5,000, and that the remaining two opposed a verdict in his favor for any amount.

TROUBLES OF A YOUNG MARRIED COUPLE. SUPREME COURT-CHAMBERS-JAN. 7.-Before Judge

SCITHERLAND.

In the matter of the petition of Mary Elizabeth Sinclair.

This case has been referred to before. Mary Elizabeth Sinclair petitioned the Court for a writ of babeas corpus to command her father-in-law, John S. Sinclair, to restore her husband to her. The parties were married on the 18th of December last. To-day the counsel for the parties appeared in Court, stated that the case had been settled, and asked leave to withdraw the writ, which was granted. It appears that the young bridegroom is not yet out of his teens, while the blushing bride is thirty years of age, and the mother of two interesting children. It is understood that they are now living together, free from parental

that they are now living together, free from parentar or other restraint.

A YANKEE SCHOOLMASTER ON HIS TRAVELS—HE EXILISTS IN THE U. S. AREY.

Augustus F. Adams, said to be a school teacher from the State of Connecticut, was brought up on a wilt of hatens corps from the military depot at Governor' Island, his council claiming his discharge from collectment as a soldier. It appeared that the recruit came from Connecticut about the time of the Christmas helicays to this city. Here he felt in with some fast boys, who helped to spend his money, after which he found himself enlisted in the regular army. The school teacher not liking the discipline of the drill sergeam, applied for legal and stance. The recruit was released.

DECISIONS.

A. Dodd, Receiver, agt. A. Nicholas. - Order granted.
Michael Rupp agt. Nathaniel Blanchard, - Motion granted.

SUPREME COURT-GENERAL TERM-Jan. 7.

SUPREME COURT-GENERAL TERM-Jan. 7.

In the matter of the will of Henry Parish, deceased.

By the Court, Davies, Presiding Justice—As to the validity of the will hearing date Sept. 20, 1844, we see no serious question reade. At the time the teststor was of sound and disposing mind, the will was executed in canformity with all the call requirements, and none of 18 provisions are challenged as violating stop principle of isw.

We also think that no revocation in fact, or by operation of law has been allown. None, in fact, has been alleged. And we do not see, hiw, if the testator had no testamentary capacity after his attack on the 19th of July, in the year 1849, to make a valid disposition of his property, it can with reason be said he had soon capacity, to revoke a legal disposition previously made. We resert the provisions of the Revised Stat test relative to the revocation of last wills and testaments (2 Rev. Stat., p 64, sec. 43) as furnishing a conclusive answer to the argument to urged upon us that the will of Mr. Parish was revoked by implication.

Neceded in relation to the anneal of Miss Ann Parish and

personal estate or both, shall have been proved before a Surrogate, any devises or legatee named therein, or any helf or next of kin to the testator may, within three souths there after, appeal to the Suprese Court from the decision of the farrogate, either admitting such will to record, or probate, or Pffesting the same. (2 Rev. Stat. See \$9, 95.1).

By section 92, p. 53, same volume, it is declared that the term "will," as used in that chapter, shall include all codesils as will as wills.

"will," as used in that capper, as wills.

We think, therefore, under these provisions, these appellants had the right to appeal to this Court from that point of the justicest of the Surrogate, admitting to probate the codifil of aug. 29, 1849.

We are not satisfied from the testimony in this case, that at the satisfied of this this codifil, or at the time it was republished. the time of making this codicil, or at the time it was republished the testator had testamentary capacity to make the same; and for the purpose of macestaining this question of fact, they direct a featured issue to be made up to my that question, and they direct the same to be tried at the next Circuit. Court, to be held in auditor the City and County of New York. The Indomestic the Serriorate, admitting said codicil of Aug. 23, 1849, to probate, is reversed.

reversed.

Tand: The appeals of Mr. Delafield and Mrs. Parish from that appeals, with a ressurable counsel fee, to be certified by one of the Justices of this Court, may be paid out of the funds of the

SUPREME COURT-Concret-Jax, 7.-Before Judge

ROPREME COURT—CRACTIT—JAN. 2.—Before Judge
EMOTT

Robert H. Goff ast Phills H Groot

Action brought by plaint if against defendant for
converting 30 shares Second Avence Railroad stock and 30
stares People's Fire Issurance Company stock, of the value of
\$7,900. Plaintif cotained from detendant a lean of \$4,000
upon these attecks. When the I am fell date, plaintiff tendered
the amount of the lean, with interest, when defendant set up
that he growmed the lean as an exent of W. C. Wetmore, of the
firm of Wetmore & Roberts, was had since left the city, and
mat he was a more traker in the matter. The point for the Judy
was whether defendant was agent or principal. Verduct for
plaintiff, \$4,50.22. S. Sauzay for plaintiff; L. S. Chatfield for
defendant.

SUPERIOR COURT-Special Term-Jan. 7
Notice.—The Special Term has adjourned to Monsy the 17th inst.

day the 17th inst.

UNITED STATES CIRCUIT COURT—Jan. 7.—Before Jadge Ingension.

THE SLAVER HAIDER.

Acquittal of the Frisoners.

The defendents having been acquitted of the capital clarae against them for before energed in the slave-trade. Macride, Baptists and Jac been were put on trial yesterlay, under the act of 1812, for siding and absting in the capture of negroes for the purpose of making from slaves. This morning the jury rendered a welder of not goily. This is at the jury could do under the crome stances, as the act under which the prisoners were midsted provides that the persons so indicted must be citizens or residents of the United States at the time the offense was committed, and there was no proof to show that they were stock. int they were such.

In regard to the other indictments against the defendants, and the chargest was cutered by the District Attorney, and the

alle proceeds was cutered by the District Attorney, a chargers were discharged from custody. Mr. P. J. Josephinsson was counsel for the defendants. COURT OF GENERAL SESSIONS-FRIDAY, Jan. 7 .-

Before Judge Russatt.

Charles Bergen, indicated for barglary in the first degree pleaded guilty to the third degree of that orime, and was sentenced to the State Prison for two years.

Dennis Bowen was convicted of robbery in the first degree. On Kov 25, in company with two others, not arrested, he assulted and robbed an fil-human named Green, from Pough-keeping of \$2. Sentenced to ten years and six months in the State Prison.

State Prison. Of \$2.5 Scheduler. On the was charged with forgory in Clars Smith, allas Filten Chase, was charged with forgory in the second durine. She attempted to pass \$2 bills on the Manufacturer's Bank of Rochester. A quantity of counterfeit bulk, with materials for their manufacture, were found on the premise able occupied. Verdict of milty. Sentenced to five years and three months in the State Prison be lived, charged with the same offerse, pleaded guilty to forgery in the fourth degree, and was sentenced to two years in the State Prison.

SUPREME COURT OF PENNSYLVANIA. - PRILADELPHIA,

SUPREME COURT OF PENNSYLVANIA.—PRILADELPRIA,
Jacuary, 1889.

THE LAW IN REGARD TO INSURANCE.

State Mutual insurance Company agt Roberts to use.

Error to the District Court of Alleghamy County.—
This was an action on a policy of Insurance made by the pisin
tiffs in error. The risk in this case was upon the interest of the
owner in a dwellim-house. The contract was made with him,
and the policy was taken out in his name. With the consent of
the insurer, he then assigned the policy to Blackbrane, to
whom he had given a mortage upon the property insured, and
also upon other property. The mortage assigned the policy to
Scott, the quitable plaintif, also with the assent of the defendants. Afterward Roberts, the party assured, effected a notice
insurance upon the same bullings with a difference for

CORNELL—CARDNER—On Taureday, Jan. 6, by the Rev. S. H. Tyug, D. D., Samuel M. Cothell and Jane Louisa, daughter of the late Laban Gardner of Troy.

of the late Laban Gardner of Troy.

HEDGES-WILLIAMS-In Copake, N. Y., on Saturday, Jan.

I, by the Rev. J. N. Shaffer. Mr. Nathaniel Hedges of Milan,

N. Y. to Miss Kate E. Williams, of the former place.

MENDENHALL-MIX-At Foit Leavenworth, Kansas, Lieut.

John Mendenhall, U. S. Army, to Miss Sophia E. Mix. WHITE-SCHERF-On Thursday, Jan 6, by the Rev. Vermilye, Michael White to Miss Catharine Scherf, to

WALTERS—DOREMUS—On Sunday, Jan. 2, by the Rev. Mr. Francis of the Norfolk street Methodist Church, Mr. Samuel C. Walters to Miss Mary Emma Doremus, all of this city.

DIED.

AGART—At No. 187 East Twenty eighth street, on Wednesday, Jan. 5. Olympha Constance Agart, aged 8 months and 1 day. BERSIEN—The funeral services of Mrs. Charlotte Berrien, wide we of the late James Serrien, will take place on Sunday at 1 o'clock p.m., at the Stauton-street Baptist Courch. The relatives and friends of 'be family are respectfully invited to attend without further invitation.

attend without further invitation.

BLANCH—At No. 72 West Broadway, on Wednesday evening,
Jan. 5, Abstraw Blanch, in the Sist year of his age, a native
Bof Courty Wextrad, Ireland.

CURNON—On Thousday morning, Jan. 6, at his residence, No154 Sullivan street, Hersman Cournon, aged 42 years.

His friends and relatives are invited to attend his funeral from
the Presbytesian Church, colored, Seventh avenue, near
Eleventh street, at 11 o'cook p. m., on Sunday next, without
further notice.

further notice.

CERAGIOLI—At No. 215 William street, on Wednesday evening, Jan. 5, Lewis Ceragioli, aged 25 years and 19 months.

DE MOL VAN OTTERRLOO—At Djoejokatta, Island of Java, on Wednesday, Oct. 6, of dysentery, Emma Adrienne, wife of Threedore De Mol Van Otterloo, and fourth daughter of the late J C. Zimmerman, Consui General of the Netherlands in this city.

this sity.

EVERITY—On Friday, Jan. 7 after a protracted filmes, John Stant, son of John L. and Emeline Everitt, aged 13 years, 4 months and 10 days.

The funeral will take place on Sunday at 15 o'clock p. m. Her remains will be interred in Greenwood.

FETTRETCH—At No. 483 Second street, on Thursday, Jan. 6, Catherine Lucinda, youngest daughter of James and Elizabeth Fettretch, aged 7 years, 4 months and 24 days.

GLOVER—In the City of Philadelphia, on Thursday, Jan. 6, Mis. Vaelette Emogens Glover, wife of Lloyd Glover, each, aged 36 years.

HOGAN-At No. 97 Mott street, on Thursday, Jan. 6, William

Hogan, in the 25th year of his age. KISSAM—In New-York, on Thursday, Jan. 6, Ellen Elizabeth, wife of Edward Kissam, and daughter of Nicholas R. Van Brunt.
e relatives and friends of the family, and those of her brothers.
I law, hawley O. Clapp and Daniel Caamman, are respectfully
myited to attend the funeral on Sunday, Jan. 9, at 2 o'clock,
from the First Reformed Dutch Church, Joralemon street,

Brooklyn.

LEE—On Wednesday, Jan. 5, in the 75th year of her age, Mrs²
Deborah J. Lee, reshet of Absam Lee late of Woodbriage, N. J.

The relatives and friends of the family are respectfully invited
to attend her funesal, from the none of her son-the law, John
Birco, No. 133 East Twenty-third street, this (Saturday) aftermon at 1 solet -2.

MARCH—At sea, on board the U. S. store-ship Relief, on Tues-asy, Dec. 21, Lieux J. Howard March, U. S. N. ony, Dec. 21. Licent J. Howard March, U.S. at.
His relatives and friends, as also the officers of the United States
Navy, Army and Marine corps, are respectfully in-sted to
attend his funeral on Sunday, the 2th inst, at it p.m. from
the Church of the Holy Trinity, corner of Clinton and Montague street, Brooklyn.

McLOUGHLIN-On Wednesday, Jan. 5, at No. 12 St. Marks
pace, Grace McLoughlin aged 35 years, for twenty years a
faithful servent in the family Chas. Carville of this coig.

NEW TON-At Augusta, Geo. on Thursday, Jan. 6, of lock-jaw,
George M. Newter, the claiminguished anatomist.

O'BRIEN-In Brooklyn. on Wednesday.

George M. Newton, the distinguished austomist.

O'BRIEN-In Brooklyn, on Wednesday, Jsn. 5, of tun
stomach, Lawrence O'Brien, in the 5cth year of bis a SMITH-At No. 516 Grand street, on Wednesday, Jan. 5, of congestion of the lurgs, Eliza, wife of John Smith, and daugh-ter of John O'Connor.

STORMS-At No. 19a Fourth street, suddenly, on Thursday, Jan 6, Alice Storms, widow of Frederick Storms, in the 22d year of her age. year of her age.

TiE60UT—At Greenpoint, Long Island, on Thursday, Jan. 6, after a short illness, John A. Tiebest, aged 51 years.

after a short illness, John A. Tiebest, aged 31 years.
THOMPSON—At Woodbridge, N. J., on Thursday morning,
Jac. 6, Eleaner Thompson, reliet of Peter Thompson, in the
8th year of her age.
VANDZ SANDZ—In Brooklyn, on Thursday, Jan. 6, Minmile,
infant daughter of William and Sarah Vande Sande.
WAKELEZ—On Thursday, Jan. 6, Stillee Wakelee, formerly
of Daubury, Conn. aged 70 years.
His relievives and friends are invited to attend his funeral from
the residence of his nephew, the Rev. J. B. Wakeley, No. 29
Grove street, on Saturday a orning, Jan. 9, at 18 o'clock. His
remeins will be taken by the Hudson River Railroad to Youners for interment.

REPORT OF THE SUPERINTENDENT OF THE BANK DEPARTMENT.

The Superintendent of the Bank Department in his eport says that the speedy return to specie payments by the banks of this State, after their suspension in October, 1857, time has shown, was a substantial and

permanent resumption of their corporate obligations. The suspension and recomption of specie payments by the banks of this State, in 1857, with the surround-

by the banks of this State, in 1857, with the surrounding circomstances, have simply brought out into bold relief the perfection of our tree bank system in its connection with our currency.

The retirement of \$7,920,000 of the circulation of the interior banks accomplated in the City of New York witzin the time specified by the resolution of the Clearing Hense of the 7th November, 1857 (with an occasional exception for an ine gainform amount since paid), clearly shows that they were not only strong in capital, but that their ability to liquidate that debt was only equaled by their desire to enter upon a course of policy that must produce a speedy resumption of specie payments, clearly foreshadowed by the passage of the resolution referred to.

resolution referred to.

The passage of that resolution was the incipient step The parsage of that resolution was the incipient step toward a resumption, and the willingness with which the interior banks met the obligatious imposed by it, reflects great credit upon the city and country institutions. The endire \$7.920,000 was, by the terms of the resolution, to be paid in morthly installments of 29 per cent, with interest at six per cest, commencing on the let of Janusry, 1858. This would reture the entire amount by Isloi May. They were also to redeem their outstanding currency on the usual terms after the 25th of Nevember.

of Nevember.

The pressure preceding the suspension had returned to the banks during the quarter ending October I. 1857, a million and a quarter of dollars of their best recurries, held in this office, of which at least a million was withorawn by those located in the interior

of the State.

How vigorously the interior banks went into the mean weight of the Clearing House of the 7th of November, is shown by the feet that between the lat of October and the lat of April, \$4,325,000 of securities were retired from the Bank Department; and the Superintendent believes that nearly \$4,000,000 of that Superintendent believes that nearly \$4,000,000 of that amount was used by the interior backs to restore the equilibrium between those of the City of New-York and tremselves the loss of which was occasioned by the holding of country noney in that city. As an evidence of the correctness of the belief expresset above, he would say, that the discounted debt of the banks located out of that city, was retuced only \$36,326 from December 26, 1857, to March 13, 1858.

This equalizing accounts between the city and country backs was the work of only five mouths, in addition to meeting their ordinary and daily liabilities; and the ertire debt of \$7,20,000 was paid, netting 58.9 per cent per annum interest upon the investment of the city banks in country currency.

The whole transaction between the interior banks and those of the City of New-York in relation to the

and those of the City of New-York in relation to the currency accumulated in that city after the disasters of the Fail of 1857, was highly creditable to both, and cannot but add greatly to their confidence in each others' capacity and soundness hereafter.

But five associations have been formed during the

past fis all year, for the purpose of pursuing the business of banking; and one of these is the continuation of an incorporated bank whose charter expired January 1858. The actual increase of capital during the year by the

The actual increase of capital during the year by the fermation of new marked ins., is \$520,000.

Still more marked is the fact that no individual bank-r has commenced business during the past year. In connection with the unusual dearth of new banks and the small amount of capital coupleyed by them, comes the astonishing fact that while the actual increase of capital by the formation of new banks has been only \$250,000, there has been added to the banking capital of the Starthe sum of \$2,488,801.

One of the causes which tended to produce the suspension of 1857, the Superintendent believes, and so stated in his report of that year, was the multiplicity of banks of small capitals. Still, he believes the bank

persion of 1857, the Superintendent believes, and so stated in his report of that year, was the multiplicity of banks of small capitals. Still, he believes the bank capital of the State smaller than is required by the usual business of our citizens. Their reject cannot be locked for in the multiplication of small banks, but in raising the capitals of those already in existence, when located in places where increasing business warrants additional bank facilities.

The present condition and amount of the securities held by this department, for the sedemption of the extraction of the banks of the fire banks.

currency of the free backs of the State, give renewed Currency of the free months and strong redication of the stability of its currency.

The total amount of securities held by this decartment on the 30th of September, 1857, was \$33 20, 62, 67, Amount held on the 50th of September, 1859 26,383,693 83

Decrease of accurities during the fiscal year. \$3,810,533 24
The total amount of circulation issued to free
banks and outsine fine Sept 30, 1857, was. \$28,428,222 00
The total amount of circulation issued to free
banks and outsineding Sept 30, 1838, was. 24,643 194 00

Making the total amount of reduction during \$5,830,742 to This statement shows a steady contraction, during the past fiscal year, of the currency issued by this department. Still greater is the contrast of the actual circulation of all the banks, including the chartered and free banks, following the suspension of October,

The extreme point of actual bank note circulation in this State by our ewn institutions, was reached on the 20th of September, 1856, amounting at that date to \$31,019 533. It fell during the year previous to the suspension, to \$.7,122,904, this being the actual circulation on the 26th of September, 1857, seventeen days previous to the suspension of specie paymen's. A

stendy and constant reduction of the volume of our notual currency followed; and on the 13th of the following March, it became reduced to \$22.710,135. Of this reduction of currency, amounting during the year to \$11,339.475, \$4,417,46 occurred between the 2th of September, 1857, and the 15th of the following March.

The world has been be elefore taught through the theoretical opinions of political economists, that a suspension of specie rayments would and must precessarily be followed by an expansion of specie payments would and must be exactly be followed by an expansion of specie payments by our canks as a great evil, and derimental to the interests of our propin, he must respectfully submits that the interests of our propin, he must respectfully submits that to evils arising from a suspension in this State, come nut from a traceased volume of currency, as it is an utter impossibility order a secured currency likebox own, but from a reduction of that volume make of necessity by the banks in their effects to reaum e payment again to color. eaune payment again to colo.

An effect was wade during the last session of the Legislature.

An eff it was wate during the last session of the Legislature, in scoordnor with the recommendation of the Superintendent, to hereafter scourse bonds and mortages as a basis of security for circularity notes issues from this office. It signally falled, and the experience of the Superintendent reaches num that it is impossible to impress upon the Legislature the difference between the necessary of immediate conventibility and ultimate

impossible to impress upon the Legislature the difference between the necessity of immediate conventibility and ultimate everity.

Under these circumstances it is unnecessary for him to present the reasons why he doesne bonds and morragges not the ample security required by the Censitution for the realemption of circushing notes, resting his objections to their reception upon their monwerthinty sione. Still, he doesn it due to himself to present to the Legislature the fact, that the present law, governing the securities to be received for circulating notes, works in suffect flucture to a large perform of the banks and bankers exages in the business of banks in this State. The experience of the Superindedont, in converting securities held in trust by him, into immediate means to redeem the notes of faired banks, has tangled the legislature of one of a significant of the superindered of the superindered of the significant of the description of securities to be deeped to with him, requires, in the language of the stat de, to that they "shall be lives book producing 5 one cent per annum, or, at least, one-half the annum of deposited shall be in the stocks of the State of New York, as before mentioned, and net exceeding one-half in stocks of the United States, in all cases to be, or to be made to be, equal to a stock producing an interest of per cent per annum, and it shall not be lawful for the Superintendent to take such stocks at a rate above their per value, or above their current market value." "Or the socurities shall not be less than one-half in such stocks and one-half in bonds and mortages bearing an interest of any building shereou, and mortages bearing an interest of any building shereou, and mortages bearing an interest of any building shereou, and mortages bearing an interest of any building shereou, and mortages bearing an interest of the steah 7 or cent per animum, and to shall not be lawful for every per animum, and to shall not be set than 7 or every per animum, and to shall not be set than 7 or eve

and mortgages bearing an interest on the least value of said lanes." (See chapter 3.5), Laws of 1843, and chapter 3.6), Laws of 1843, and chapter 3.6. Laws of 1844, and 1844, a

of this class of bank note currency is the fact that during the three years the Department has been under the chart of the good of which a processal suspension of specific payments occurredly the entire less upon the deartistion of currency has been been \$2,508,541.

It is a notiveable fact that, while the amount of bank capital has riven, in round numbers, from \$45,000,000 or in 1856 currency has presented a slight computative increase with occasional fluctuations, until in the fallow bank to while nearly \$3,000,000 of the amount in 1819.

This is peckaps the neaper blace for the Superintendent to express his views upon the provisions of the presentlaw in relation to the examination of the end of the laws of 1821 the office of both Superintendent himself.

By the provisions of chapter 2.7 sof the laws of 1821 the office of Bank Commissioner was abolished, and certain powers of examination of the affairs of a bank, whose calcumpt is suspected, are excelled upon the Superintendent, and also this power of examination is given him by chap, 419 of the Laws of 1821.

This power is substitutially sufficed by the action of our courts and the officers of the banks whose condition the Superintendent. The result of the attempt was, by the time his agent had obtained a slight insight into the real condition of the affairs of the bank, he was politely met by 12 Receiver, appointed by the court at the subcitation of the officers themselves, and told that his daties were ended, and that the property and effects of the bank, he was politely met by 12 Receiver, appointed by the court at the subcitation of the officers themselves, and told that his daties were ended, and that the property and effects of the bank, he was politely met by 12 Receiver, appointed by the court at the subcitation of the officers themselves, and told that his daties were ended, and that the property and effects of the bank, he was politely met by 12 Receiver, appointed by the property and for the superintendent to endargon to subcitation of the officer

Returned and destroyed during the past year By the provisions of Chapter 370 of the Laws of 1857, the

open the trustee.

The re are to valid reasons why the same provisions should not be applied to the receivers and analysees of free banks and banks. The provisions of the statute in relation to voluntary sizing of banking associations and individual bankers, are not entirely satisfactory to the Superintendest, so far as they resize to tax execution of bonds for the redemption of their outstanding overclaiden, after the expiration of two years, during which the notes are redeemed by him.

The difficulty is twested. First, the owners of the bank or the banker, is not legally bound to destray the notes they or he redeem during the six years in which he is bound to redeem them by the terms of the bond executed to the Superlutendest. The credit of a free bank note is such that it can easily be again put in circulation. And in face, at the end of six years when the obligation to redeem the notes ceases entirely, the whole amount may be outstanding and in the hands of the community. This is wrong in principle, and while the Superlutendedt does not charge that this has been done even in a single instance, still their is no reason existing why it cannot take place, no legal extensible preventing it.

The second point in relation to the bonding of bank note officulation is, that although the bond is exceuted to the Superintended in extress authority exists for its prosecution, on failure to courply with its provisions. No occasion has yet arises to least the power in relation to this point, as a notice from aim that ne would prosecute the bond in several instances when the parties have refused to refere the preformance of obligations of the parties have refused to refere the preformance of obligations of the parties have refused to refere the preformance of obligations of the banks to pay their last installment to the superintended in their pounts redeemed to the Superintendent during the pay yet in endeavours to enforce peraltics for ton unon-performance of the superintendent of their reduction as now required by law, t

rplus. A soit at law, against a bank which had refused to pay the last

account of this should will be place in this.

A soit of law, against a bank which had refused to pay the last installment of the safety fond, has been pending several years, between the trustee of an expired bank and the people of the State of New-York. The Bank Fund was the real plantiff in interest, although the suit was brought in the name of the people of the State. It was stipulated that the amount due from several other banks, payment of which had been refused, should abide the result of this sait; their condition in relation to their payments being the save. The suit was commenced previous to the ac of 1151. This act changed the time of payment of the contributions of the several banks to this fund, by insecting the words "on or before the State Documer," in piece of "on exhibitions of the several banks to this fund, by insecting the words "on or before the State, but was finally careled to the Court of Appears by the defendant, for utimate decision. The decision of the people of the State, but was finally careled to the Court of Appears by the defendant, for utimate decision. The decision of that tribunal was advarse to the claim. It is almost needless for the Superintendent to express his astonishment a disappointment at such a result. Still, he learded this important but that there was an infinite simal point of time between two Siar of December and the 1st of January, precisely at which a cupration ceased to exist, and that, exactly at the right moment to prevent it term paying a sum of money due the affect fine, for the pulvileges and examptions it had only yed during the proceeding year. In other words, the charter of the bank of Utica, whose trustees, if walker, was defendent in this with, was senting in the contribution of one-had of 14P cent per annum. It did pay all the requisitions made upon it under that act, except the last payment, which was due on or before the late of January. 1800. The bank by the seventuace of the continuation of the contribution of one-had of 14P cent per annum. It di

To this Mr. Superintendent Cook, with something bearing a strong recemblance to impertisence, place his epinion above the entire Court of Appeals, and

the Court, the Superintendent must say that the decision establishes a distinction without a difference; and embies a corporation to die so early of a morning that it escapes the payment of an equitable oblitation, payable upon the day to which its corporate existence was extended expressly by Satute.

The amount abstracted from the fund by take decision is \$0.740, with several year's laterast; and a further loss of \$375.54 in costs, in the effort to enforce its collection. This amount forms no part of the eastmated assets of the fund.

The act of 1851, char gird the date of payment of contributions to "on or before the Sist of December in each year," saves the surplus from total annihilation under this decision of the Court of Appeals.

A difficulty in relation to the security held by this department for circulating notes issued up in bonds and mortrarea covering property located in series of the cities in this State is forced upon the attention of the Superintendent by the increasing number of notices of the sale of property so held under municipal laws.

The Superintendent would respectfully recommend that the statute relating to notices of sale of property for numbers! asset to a putile officer helding bonds and mortgages in trans, shall specify the name of the original mortragor and the assigners of the same to such public officer; and without such specific notice, the sale shall be imperative as against the meetings on held.

It is perhaps proper here to say that the present Superintendent has heretofore declined, and is not wilding to receive as